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LETTER DATED 15 FEBRUARY FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 15 February 1998 addressed to you by Mr. Tariq Aziz, Deputy Prime Minister and Acting Minister for Foreign Affairs of the Republic of Iraq, explaining Iraq's position concerning the discussions now being held in the Security Council with regard to the next phase of the "oil for food" plan.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Annex

[Original: Arabic]

Letter dated 15 February 1998 from the Deputy Prime Minister and Acting Minister for Foreign Affairs of the Republic of Iraq addressed to the Secretary-General

I should first like to thank you warmly for your efforts to ensure that the humanitarian needs of the Iraqi people are met. With regard to the discussions currently being held in the Security Council on a draft resolution concerning the next phase of the "oil for food" plan, I should like to assure you that, when Iraq undertook to implement this plan, it fully relied on the legal bases of the plan, namely, Security Council resolution 986 (1995) and the Memorandum of Understanding concluded between Iraq and the Secretariat of the United Nations (S/1996/356), which are two complementary texts.

Throughout the preceding phase, Iraq dealt with the United Nations Secretariat on the basis of the two texts cited, observing all the legal provisions contained therein. Therefore, it does not believe it is required to comply with any provisions which do not fall within this legal framework or which run counter to those texts.

Accordingly, Iraq cannot accept a formula which is intended to make the Distribution Plan permanent and continuous, for that would contravene the spirit of resolution 986 (1995) and the provisions of paragraph 4 of the Memorandum of Understanding, according to which the arrangement provided for in the Memorandum is an exceptional and temporary measure.

Moreover, paragraph 6 of the Memorandum of Understanding provides that the Government of Iraq is to prepare a Distribution Plan which includes a categorized list of humanitarian supplies and goods, taking into consideration the prevailing needs of the Iraqi population. It follows that the decision concerning the distribution of additional supplies resulting from the increase in quantities of petroleum sold is the responsibility of the Iraqi Government and not that of a third party. That is the procedure that was followed in the preceding phases of the implementation of the Memorandum of Understanding.

In addition to blatantly contradicting the provisions of the Memorandum of Understanding and of Security Council resolution 986 (1995), the proposal that the distribution of additional supplies should be entrusted to a party other than the Iraqi Government is devoid of all objectivity, and its sole purpose is to serve political interests which have nothing to do with the humanitarian objectives underlying the "oil for food" plan. To cite just one example, I should like to draw attention to the last part of paragraphs 11 and 12 of the amended draft resolution which the United Kingdom of Great Britain and Northern Ireland submitted to the Security Council on 13 February 1998.

With regard to the anticipated petroleum exports to generate the supplementary resources needed to finance the "oil for food" plan, Iraq's operational capacity is such that it can export a maximum of $4 billion worth of

petroleum; any higher target is unrealistic and unfeasible. On this point, I should like to note that the insistence on putting forward figures which exceed Iraq's real capacities does nothing but complicate the situation and increase the problems involved, the main result being to hinder the implementation of the plan's humanitarian objective.

Iraq reaffirms that the pumping of petroleum is to begin on the day when the Secretary-General informs the Security Council that he has approved the Distribution Plan, as was the case in the two preceding phases.

Moreover, the Iraqi Government believes that the additional revenues should not be affected by the withdrawals provided for in paragraph 8 of resolution 986 (1995), for the revenues in question are intended to meet humanitarian needs and not to increase the amounts deposited as compensation or to defray administrative or any other costs.

It is clear that Iraq is fully cooperating in the implementation of the provisions of the "oil for food" plan, as can been seen in the various reports prepared by the United Nations Secretariat on this matter. We therefore state that the use of tendentious political language in referring to Iraq, which reveals the political objectives of certain parties, will not be accepted by the Iraqi Government.

In the hope that the Security Council will adopt a resolution that takes into account the concerns and point of view of the Iraqi Government, which has a practical knowledge of the humanitarian needs of the Iraqi people, we welcome the proposal, put forward in your letter of 10 February 1998 to the Iraqi Minister for Foreign Affairs, that Iraq and United Nations Secretariat should hold technical discussions. For practical and technical reasons, we should like these discussions to be held in Baghdad.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Tariq AZIZ
Deputy Prime Minister
Acting Minister for Foreign Affairs